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JUN 26 2023	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

UNITED STATES DISTRICT COURT

for the

U.S. District Court
of ArizonaSamuel R Bateman

Petitioner

United States v.

Dimitra H. Sampson

Assistant Attorney U.S.

AZ State bar #019133

United States of America

Respondent

(name of warden or authorized person having custody of petitioner)

CV23-01172-PHX-DLR--ESW

Case No. CR-22-08042-001-PCT-DGC
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Samuel R Bateman
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: CAFCC
(b) Address: P.O. Box 6300 - Florence, AZ 85132
(c) Your identification number: 21338510
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings

☒ Other (explain): Violation of my due process rights. The prosecutor, with no court order, directed core civic to block "ALL communication from the outside world" using their own words, thus violating my constitutional rights: 1, 4, 5, 6, 8, 9, 10, 13, 14, 15

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Unsure, Camille Bibbes in Flagstaff AZ.

(b) Docket number, case number, or opinion number: CR-22-08092-001-PCT-DGC

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Camille Bibbes ordered me detained; with no possibility of bonding out (FED)

9-15-22

(d) Date of the decision or action:

Camille is a
United States
Magistrate Judge
in Flagstaff AZ.

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

My old attorneys filed this motion: UNITED STATES DISTRICT COURT OF ARIZONA

(2) Date of filing: 2-21-23

(3) Docket number, case number, or opinion number: CR-22-08092-001-PCT-DGC

(4) Result:

(5) Date of result: 3-6-23

(6) Issues raised: They blocked ALL communication on 11-29-22.

We filed a "Motion to Preclude Pretrial Punishment" Asking Judge Campbell in Phoenix to allow me communication with my darling family. I have sent several internal grievances to the warden & to the unit manager & they just excuse themselves by saying we just do what the Marshalls tell us to do. I have had zero communication (except a few phone calls & 2 video calls) then son reasons unknown to me they shut my communication off again

(b) If you answered "No," explain why you did not appeal: The prosecuting attorney has ordered

Core Civic to block me of all my due process rights - I have zero communication with the outside world except for my fired attorneys.

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

U.S. District Court of Arizona

(2) Date of filing: Sent from prison 5-18-23

(3) Docket number, case number, or opinion number:

CR-22-08092-PCT-DGC

(4) Result:

(5) Date of result:

(6) Issues raised:

Making court aware that I am representing myself Pro Se, so I can have my communication opened up. Before I filed my atty's the 2nd time they told me the judge recused himself from my case

(b) If you answered "No," explain why you did not file a second appeal:

I have no idea where or how I can file any documents without access to a law library, or communicate with my wife what to file; they will allow me NO contact with my bereaved family so I am unable to get any information

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

See Above

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

I have not been convicted or sentenced. They are holding me
illegally using the Bail reform Act of 1984 which is not actually a law,
it did not pass into ^{law} because it passed the Senate but died on the
House Floor.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: Motion to Preclude Pretrial Punishment sent by my
- (b) Name of the authority, agency, or court: former attorney S. around Feb.

- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

Those who arrested me showed me no warrants. They searched my entire yard, business, & old home for anything that they felt like. Extremely over broad.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I stand on the merit of my claim; FRCP Rule 4(e)(3)(A) To date I have never seen an arrest warrant or a search warrant

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO:

They entirely lack jurisdiction on several different counts.

(a) Supporting facts (Be brief. Do not cite cases or law.):

"Jurisdiction: It is the power conferred by the constitution or by law."

"It is never presumed, and must always be proved, & is never waived by the defendant."

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

They have violated all of my due process rights, 4th, 5th, 6th & 14th amendment rights.

(a) Supporting facts (Be brief. Do not cite cases or law.):

They have blocked & denied me all communications! I am not even able to contact the media. I cannot even read the news

on the tablet. They have incarcerated my two business partners & 7 of

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

my family members; women.

GROUND FOUR: The facility - Core Civic opens all my legal mail before they bring it to me.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I have an envelope (it happens every time) in my possession that my case manager handed me that was opened then resealed shut. It

has a marking of Legal Mail/Special Mail - Open only in presence of inmate.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

I want to be released from prison. Also have ALL my communication restored until I am released. I

AS Master and therefore, authorized representative of the party named in this action, I require settlement and closure and a statement of this accounting to include the bid bond, payment bond, and the performance bond. I will not give permission for sentencing of the charged party until these documents have been submitted for the record. Is it not true, you need the negotiable signature of this Master to monetize this action. Is it not also true, this court can only offer unsecured debt, but it takes my signature to monetize the courts offer of debt pursuant to the Doctrine of Equal Contributions, joining the said courts unsecured offer with my negotiable signature to achieve funding and thereby closure.

I do not understand; I do not accept; I do Not consent; for the record, on the record, let the record show.

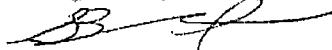
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system: 06-15-23

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06-15-23

Signature of Petitioner



Signature of Attorney or other authorized person, if any

Print

Save As...

Reset

1 **ATTORNEYS FOR FREEDOM LAW FIRM**

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10 *Attorneys For Defendant*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF ARIZONA**

13 United States of America,

14 Plaintiff,

15 vs.

16 Samuel Rappylee Bateman,

17 Defendant.

CR-22-08092-001-PCT-DGC

MOTION TO PRECLUDE
PRETRIAL PUNISHMENT

18 ~~Samuel~~ Rappylee Bateman moves this Court, pursuant to the First Amendment
19 and the Due Process Clause, to preclude the United States from punishing him during
20 his pretrial detention by preventing him from contacting anyone outside CoreCivic
21 other than his attorneys. *See* U.S. Const. Amend. I and V, *Bell v. Wolfish*, 441 U.S.
22 520, 523 (1979).

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **Facts:**

25 On September 6, 2022, a federal grand jury charged Mr. Bateman with
26 Destruction of Records in an Official Proceeding, Tampering with an Official

1 Proceeding and Destruction of Records in a Federal Investigation. The Indictment
2 charged only Mr. Bateman and alleged the offenses occurred on or about August 28,
3 2022. The indictment alleged Mr. Bateman had violated 18 U.S.C. § 2 (Aiding and
4 Abetting) but did not provide any information on the name(s) of anyone else allegedly
5 involved. (Doc. 3).
6

7
8 On September 15, 2022, Magistrate Judge Camille D. Bibles ordered Mr.
9 Bateman detained. (Doc. 14). Magistrate Judge Bibles also ordered the U.S. Marshal
10 to hold Mr. Bateman at the Coconino County Jail for 30 days to allow communication
11 with retained counsel Adam K. Zickerman. (Doc. 13).
12

13 In October of 2022, the U.S. Marshal transferred Mr. Bateman to the CoreCivic
14 facility in Florence.
15

16 Naomi Bistline, Donnae Barlow and Moretta Rose Johnson were charged by
17 Complaint on December 1, 2022. (Case Number: 22-04427 mj, Doc 1). Magistrate
18 Judge Bibles ordered Ms. Barlow and Ms. Bistline detained on the 7th and 12th of
19 December. (Case Number 22-04427-mj Doc. 17, 21). Magistrate Judge James A.
20 Goeke, Eastern District of Washington ordered Ms. Johnson detained on December 2,
21 2022. (Case Number 22-04427-mj Doc 11, p. 11).
22

23 On December 14, 2022, a federal grand jury returned a Superseding Indictment
24 which replicated the three counts against Mr. Bateman in the Indictment (Doc. 3) and
25 added four counts. The four additional counts charged Mr. Bateman, Naomi Bistline,
26

1 Donnae Barlow and Moretta Rose Johnson with Tampering with an Official Proceeding,
2 Conspiracy to Tamper with an Official Proceeding, Kidnapping and Conspiracy to
3 Kidnap. (Doc. 23). Mr. Bateman and his three co-defendants remain detained.

4
5 Undersigned counsel has been informed the Assistant U.S. Attorney has
6 unilaterally instructed CoreCivic to prohibit Mr. Bateman from contacting anyone
7 other than his attorneys. Despite an attempt to resolve this matter, the Assistant U.S.
8 Attorney has presently refused to lift this broad restriction, but is considering whether
9 to permit Mr. Bateman to communicate with three suggested people outside of
10 CoreCivic in addition to his counsel. The Government opposes this motion and
11 intends to file a response.
12
13

14 Undersigned counsel does not believe the Assistant U.S. Attorney has acted in
15 ^{RS} bad faith. The Assistant U.S. Attorney's has advised counsel the restriction was
16 implemented due to her concern Mr. Bateman will engage in witness tampering similar
17 to the acts alleged in the indictment. ~~I told them to delete my signal account~~

18
19 **Law and Argument:**

20 ~~on line - I touched not my phone that~~
21 ~~was taken without a warrant. I am a~~
22 ~~minister who was protecting the rights of~~
23 ~~of my~~
24 ~~follow~~
25 ~~The~~
26 ~~Officer~~
Punishment prior to an adjudication of guilt violates the Due Process Clause. ~~obtained~~
When "evaluating the constitutionality of conditions or restrictions of pretrial detention ~~warrant &~~
that implicate only the protection against deprivation of liberty without due process of ~~Search my~~
law," the "proper inquiry is whether those conditions amount to punishment of the ~~phone 2 days~~
detainee." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). ~~after I was~~
~~arrested.~~

1 A court must decide whether the disability is imposed for the purpose of
2 punishment or whether it is but an incident of some other legitimate
3 governmental purpose. Absent a showing of an expressed intent to punish
4 on the part of detention facility officials, that determination generally will
5 turn on "whether an alternative purpose to which [the restriction] may
6 rationally be connected is assignable for it, and whether it appears excessive
7 in relation to the alternative purpose assigned [to it]." Thus, if a particular
8 condition or restriction of pretrial detention is reasonably related to a
9 legitimate governmental objective, it does not, without more, amount to
10 "punishment." Conversely, if a restriction or condition is not reasonably
11 related to a legitimate goal-if it is arbitrary or purposeless-a court
12 permissibly may infer that the purpose of the governmental action is
13 punishment that may not constitutionally be inflicted upon detainees *qua*
14 detainees. ~~It was NEVER in my heart to break ANY LAW~~

15 ~~on encourage others to do the same ALL communications~~
16 ~~Wolfish, 441 U.S. at 538-539 (citations omitted). is recorded anyway so it would be~~
17 ~~But let to try to~~

18 In *Valdez v. Rosenbaum*, 302 F.3d 1039 (9th Cir. 2002), the panel found the
19 restriction on Mr. Valdez' use of the telephone for a limit period of time to "prevent
20 Valdez from tipping off his co-conspirators about the recently-issued indictments and,
21 thereby, to ensure their capture with minimal danger to the arresting officers" did not
22 deny him due process of law or violate his First Amendment rights. *Valdez v.*
23 *Rosenbaum*, 302 F.3d 1039, 1046-1048 (9th Cir. 2002).

24 Unlike the restriction on Mr. Valdez, the restriction on Mr. Bateman is not limited
25 and there is no concern Mr. Bateman may tip off co-conspirators because all of his co-
26 defendants are in custody.

27 The Valdez panel wrote, "[w]e "sensibly and expansively" define the First
28 Amendment right at issue in this case as the right to communicate with persons outside

1 prison walls. Use of a telephone provides a means of exercising this right." *Valdez*, 302
2 F.3d at 1048.

3
4 The United States has unilaterally restricted Mr. Bateman's contact with anyone
5 outside of prison except attorneys. No hearing was afforded to Mr. Bateman. This
6 restriction serves no legitimate governmental purpose. It is well known communications
7 by pretrial detainees are recorded, both phone calls and visits. Thus, Mr. Bateman's
8 communications can be monitored as they occur and/or reviewed later.

9
10 The restriction on Mr. Bateman's access to all people outside CoreCivic except
11 counsel is excessive, suggests an express intent to punish Mr. Bateman and thus denies
12 him Due Process of Law and his First Amendment rights.

13
14 **Conclusion:**

15 Mr. Bateman requests this Court issue an order permitting him the same access
16 other inmates have to communicating with people outside CoreCivic.

17
18 RESPECTFULLY SUBMITTED February 21, 2023.

19 ~~I wonder why this motion was not resolved?~~

20
21 ATTORNEYS FOR FREEDOM LAW FIRM

22
23 /s/ Marc J. Victor
24 Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2023, I filed the Original with the Clerk of the Court using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/CEF registrants:

Dimitra Sampson, Esq.
Assistant U.S. Attorney

Cindy Castillo, Esq.
Counsel for Naomi Bistline

Sandra Kay Hamilton, Esq.
Counsel for Donnae Barlow

Stephen Wallin, Esq.
Counsel for Moretta Johnson

Emailed to chambers:

The Honorable David G. Campbell
Campbell_chambers@azd.uscourts.gov

By: /s/ Braeden Victor